

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THOMAS MORAN II, Receiver of :
the Assets of LifeTime Capital, Inc. and
Certain Affiliated Persons and Entities, :

Plaintiff, : Case No. 3:05cv00072

vs. : District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

DAVID W. SVETE, et al., :

DECISION AND ENTRY

Defendants. :

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #109), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations docketed on February 14, 2011 (Doc. #109) is ADOPTED in full;
2. The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that Defendant Svete's notices of appeal (Doc. #s 96, 105) are not brought in good faith.

March 7, 2011

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge